

# Murphy Spadaro & Landon

ATTORNEYS

1011 CENTRE ROAD, SUITE 210  
WILMINGTON, DELAWARE 19805

PHONE 302.472.8100

FAX 302.472.8135

202.472.8101  
jspadaro@mshllaw.com

March 8, 2006

**BY HAND DELIVERY AND ELECTRONIC FILING**

James W. Semple, Esq.  
Morris James Hitchens & Williams LLP  
222 Delaware Avenue, 10th Floor  
P.O. Box 2306  
Wilmington, DE 19899-2306

**RE: Eames v. Nationwide Mut. Ins. Co.**  
**C.A. No.: 04-CV-1324KAJ**

Dear Master Semple:

The parties have reached an agreement intended to finally put to rest the issues addressed by Your Honor's February 28, 2006 Order. Pursuant to that agreement:

1. Nationwide will make payment of \$5,000 to Murphy Spadaro & Landon by April 3, 2006, in full and final satisfaction of its obligation to "pay the expenses of the plaintiffs" under the Order.

2. Nationwide will forgo its right to file objections to the Order under Rule 53(g) or otherwise.

3. Nationwide will pay the "SDM fees otherwise allocable to the plaintiffs," as contemplated by the Order, upon receipt of a statement of those fees from Your Honor.

4. Murphy Spadaro & Landon will forgo any application for sanctions before the Court with respect to the issues addressed by the Order.

5. Murphy Spadaro & Landon will bear full financial responsibility for the "court reporter fees" contemplated by the Order.

6. The parties' compromise on these issues is without prejudice to their respective positions on the merits of the Order.

A proposed Stipulation and Order to this effect has been agreed by the parties, and presented to the Court for approval. In light of this agreement, the parties jointly request that

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Your Honor forward a statement of the relevant SDM fees to the parties' attention, and at Your Honor's earliest convenience. In the interim, the parties are available to address any questions regarding this compromise.

Respectfully,

/s/ John S. Spadaro

John S. Spadaro

JSS/slr

Encl.

cc: Curtis P. Cheyney, III, Esq. (by electronic filing)

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

THOMAS A. EAMES, ROBERTA L. EAMES	)	
and TAMMY EAMES, on behalf of	)	
themselves and all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	C.A. No. 04-CV-1324KAJ
	)	
v.	)	
	)	
NATIONWIDE MUTUAL INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	

**NOTICE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Nicholas E. Skiles, Esq.  
Swartz Campbell LLC  
300 Delaware Avenue, Suite 1130  
P.O. Box 330  
Wilmington, DE 19899

MURPHY SPADARO & LANDON

/s/ John S. Spadaro  
John S. Spadaro, No. 3155  
1011 Centre Road, Suite 210  
Wilmington, DE 19805  
(302) 472-8100

Attorneys for plaintiffs  
Thomas A. Eames, Roberta L. Eames and  
Tammy Eames (on behalf of themselves and  
all others similarly situated)

March 8, 2006